



**WESTLAKE CITY COUNCIL MEETING  
PROCEEDINGS OF A REGULAR SESSION  
OCTOBER 20, 2022**

The regular session of Council was called to order at 8:04 p.m. by President of Council David S. Greenspan.

Present: President of Council David S. Greenspan; Councilmembers Duane Van Dyke, Michael F. O'Donnell, Amy G. Havelka, Mark R. Getsay.

Councilmember O'Donnell moved, seconded by Councilmember Van Dyke, that Councilmember Sullivan be excused for cause.

Yeas: All.

Nays: None; motion carried.

Councilmember Van Dyke moved, seconded by Councilmember Havelka, that Councilmember Nunnari be excused for cause.

Yeas: All.

Nays: None; motion carried.

Also present: Mayor Dennis Clough, Law Director Michael Maloney, Service Director Paul Quinn, Director of Engineering Robert Kelly, Recreation Director Paula Horner, Planning Director James Bedell, Director of Purchasing Larry Surber, IT Infrastructure Manager Mike Stybel, Director of Inspections Donald Grayem, Director of Community Services Lydia Gadd, Police Chief Kevin Bielozer, Provisional Fire Chief Mike Freeman, Clerk of Council Denise L. Rosenbaum.

**APPROVAL OF MINUTES:**

Councilmember O'Donnell moved, seconded by Councilmember Havelka, that the reading of the minutes of the regular session of October 6, 2022, be waived and that they be approved as received.

Yeas: Greenspan, Van Dyke, O'Donnell, Havelka, Getsay.

Nays: None; motion carried.

Councilmember Getsay moved, seconded by Councilmember Havelka, to adjourn to executive session to discuss litigation, labor negotiations and real estate at 8:08 p.m.

**ROLL CALL:**

Yeas: Greenspan, Van Dyke, O'Donnell, Havelka, Getsay.

Nays: None; motion carried.

Also present were Mayor Clough, Law Director Maloney and Planning Director Bedell.

Planning Director Bedell left the executive session at 8:25 p.m.

Executive session adjourned at 8:27 p.m.

The regular session resumed at 8:28 p.m.

**SELECTED CORRESPONDENCE:**

Letter from Courtenay and David Cottenden, 3186 Laura Lane, received October 10, 2022, requesting that the city vacate the retention basin easement on their property. Council President Greenspan referred this request to the sanitation committee.

Notice from Ohio Division of Liquor Control received October 11, 2022, for a new D5A permit for Aimbridge Hospitality LLC dba Sonesta ES Suites Cleveland Westlake, 30100 Clemens Road, Westlake, Ohio 44145.

Councilmember Havelka moved, seconded by Councilmember Van Dyke, not to object to a new D5A permit for Aimbridge Hospitality LLC dba Sonesta ES Suites Cleveland Westlake, 30100 Clemens Road, Westlake, Ohio 44145.

Yeas: Greenspan, Van Dyke, O'Donnell, Havelka, Getsay.

Nays: None; motion carried.

Conditional use permit application from Shaker Rocks, LLC, Annie Richman, received October 13, 2022, for an indoor rock climbing facility at 30816 Viking Parkway, parcel 211-04-011. Council President Greenspan referred this request to the planning, zoning, legislative committee.

Conditional use permit application from Horizon Line Development LLC, Ben Weinerman, received October 17, 2022, for a contractor warehousing and maxi-storage establishment on Viking Parkway, parcel 211-02-015. Council President Greenspan referred this request to the planning, zoning, legislative committee.

Communication from Mayor Clough dated October 17, 2022, requesting authorization for the director of purchasing to dispose of all forfeited, confiscated, obsolete and surplus items owned by the city through GovDeals online auction service for a period of January 1, 2023, through December 31, 2027. (Resolution No. 2022-103)

Communication from Mayor Clough dated October 17, 2022, requesting to amend Ordinance No. 2022-11 to authorize the additional cost for the purchase of seven new police vehicles with selected options at an additional amount not to exceed \$9,041.77. (Ordinance No. 2022-104)

Communication from Purchasing Director Surber dated October 17, 2022, informing Council of the 2022 expenditures with B&C Communications.

**PETITIONS FROM THE PUBLIC:**

David and Courtenay Cottenden, 3186 Laura Lane, explained their reasons for requesting the city to abandon a retention basin easement on their property.

**REPORT OF THE MAYOR:**

Mayor Clough read his eighteenth report of the year.

**REPORTS OF STANDING COMMITTEES – FINANCE COMMITTEE:**

Council President Greenspan reported on the October 13, 2022, finance committee meeting.

Councilmember Havelka moved, seconded by Councilmember Getsay, that the report of the October 13, 2022, finance committee be received and filed.

ROLL CALL:

Yeas: Van Dyke, O'Donnell, Havelka, Getsay, Greenspan.

Nays: None; motion carried.

**PLANNING, ZONING, LEGISLATIVE COMMITTEE:**

In Councilmember Sullivan's absence, Councilmember Van Dyke reported on the October 13, 2022, planning, zoning, legislative committee meeting.

Councilmember Van Dyke moved, seconded by Councilmember O'Donnell, that the report of the October 13, 2022, planning, zoning, legislative committee meeting be received and filed.

ROLL CALL:

Yeas: O'Donnell, Havelka, Getsay, Greenspan, Van Dyke.

Nays: None; motion carried.

Councilmember Van Dyke moved, seconded by Councilmember O'Donnell, that legislation be drafted relative to a snow parking ban.

ROLL CALL:

Yeas: O'Donnell, Havelka, Getsay, Greenspan, Van Dyke.

Nays: None; motion carried.

**COMMITTEE OF THE WHOLE:**

Council President Greenspan reported on the October 13, 2022, Committee of the Whole meeting.

Councilmember Havelka moved, seconded by Councilmember Getsay, that the report of the October 13, 2022, Committee of the Whole meeting be received and filed.

ROLL CALL:

Yeas: O'Donnell, Havelka, Getsay, Greenspan, Van Dyke.

Nays: None; motion carried.

**COMMITTEE OF THE WHOLE:**

President of Council Greenspan reported on the Committee of the Whole meeting held this date at 7:30 p.m. Present were Councilmembers Greenspan, Van Dyke, O'Donnell, Havelka, Getsay. Also present were Mayor Clough; Directors Maloney, Quinn, Kelly, Horner, Bedell, Surber, Stybel, Grayem, Gadd, Bielozer, Freeman (Provisional); and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence, the planning commission report, Sunshine Law training reminder, NOCCA membership, outstanding committee items, pending items

before Council, the consultant for the recreation master plan status and the golf course status. No committee meetings were scheduled.

Meeting adjourned at 8:02 p.m.

Councilmember O'Donnell moved, seconded by Councilmember Havelka, to approve the tentative agreement with the Gold Badge police bargaining unit.

ROLL CALL:

Yeas: Getsay, Greenspan, Van Dyke, O'Donnell, Havelka.

Nays: None; motion carried.

**REPORTS OF OTHER BOARDS AND COMMISSIONS – PLANNING COMMISSION:**

Councilmember Van Dyke reported on the October 17, 2022, planning commission meeting advising that the commission took the following actions: **Corporate Circle storefront facades, 2207 and 2209 Crocker Rd., PP#21126075: Findings of Fact 1.** Some details, such as awnings and canopies, can be presented with the future storefront plans, but the items that are included with this approval are not likely to change. Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to recommend approval of the Corporate Circle storefront facades with the following: 1. Condition that future storefront applications include design elements suggested in the Corporate Circle Design Guidelines and Master Sign Criteria, such as awnings, canopies, variety of materials, lighting, recessed entries, and signage to provide articulation and character for the facades. 2. Approval is subject to approval of the final plans by the Building and Engineering Departments in compliance with the code and the ordinances of the City of Westlake; and, in the development process, should there be any changes necessitated by engineering requirements that visually alter the appearance of the development approved by the Planning Commission, the plan shall be re-submitted to the Planning Commission. Meeting adjourned at 8:45 p.m. The next regular meeting is scheduled for Monday, 11/14/2022.

Councilmember Van Dyke moved, seconded by Councilmember Havelka, to approve the **Corporate Circle storefront facades** with the conditions listed in the report of the October 17, 2022, planning commission.

Yeas: Havelka, Getsay, Greenspan, Van Dyke, O'Donnell.

Nays: None; motion carried.

**LEGISLATION:**

ORDINANCE NO. 2022-97: AN ORDINANCE AMENDING SECTION 3 OF (SECOND READING) ORDINANCE NO. 2020-135 AND AMENDING SECTION 6 OF ORDINANCE NO. 2020-92 AS TO OUTDOOR DINING AND SEATING AREAS AT RESTAURANTS WITHIN THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY. (First reading 10/6/22)

ORDINANCE NO. 2022-100: AN ORDINANCE DECLARING THE IMPROVEMENT TO (SECOND READING) CERTAIN PARCELS OF REAL PROPERTY WITHIN THE CITY TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION PURSUANT TO ORC 5709.40(B); PROVIDING FOR THE COLLECTION AND DEPOSIT OF SERVICE

PAYMENTS AND SPECIFYING THE PURPOSES FOR WHICH THOSE SERVICE PAYMENTS MAY BE EXPENDED; SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITING THE PARCELS; AND AUTHORIZING SCHOOL COMPENSATION PAYMENTS. (First reading and referred to finance committee 10/6/22)

LEGISLATION FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES:

Councilmember O'Donnell moved, seconded by Councilmember Havelka, that the rule requiring ordinances/resolutions to be read in full on three separate dates be suspended, and that the following be placed on third reading.

ROLL CALL ON SUSPENSION:

Yeas: Greenspan, Van Dyke, O'Donnell, Havelka, Getsay.

Nays: None; motion carried.

ORDINANCE NO. 2022-101: AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO.

Councilmember O'Donnell moved, seconded by Councilmember Getsay, that Ordinance No. 2022-101 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Van Dyke, O'Donnell, Havelka, Getsay, Greenspan.

Nays: None; Ordinance No. 2022-101 adopted.

RESOLUTION NO. 2022-103: A RESOLUTION AUTHORIZING THE DIRECTOR OF PURCHASING TO DISPOSE OF CERTAIN SURPLUS CITY PROPERTY NO LONGER NEEDED FOR PUBLIC USE BY INTERNET AUCTION FOR THE PERIOD OF JANUARY 1, 2023 THROUGH DECEMBER 31, 2027.

Councilmember Havelka moved, seconded by Councilmember Van Dyke, that Resolution No. 2022-103 be adopted.

ROLL CALL ON ADOPTION:

Yeas: O'Donnell, Havelka, Getsay, Greenspan, Van Dyke.

Nays: None; Resolution No. 2022-103 adopted.

ORDINANCE NO. 2022-104: AN ORDINANCE AMENDING SECTIONS 1 AND 2 OF ORDINANCE NO. 2022-11 AS TO THE PURCHASE OF SEVEN (7) NEW MODEL YEAR POLICE VEHICLES WITH SELECTED OPTIONS FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

Councilmember O'Donnell moved, seconded by Councilmember Van Dyke, that Ordinance No. 2022-104 be adopted.

ROLL CALL ON ADOPTION:

Yeas: O'Donnell, Havelka, Getsay, Greenspan, Van Dyke.

Nays: None; Ordinance No. 2022-104 adopted.

RESOLUTION NO. 2022-105: A RESOLUTION ADOPTING THE CUYAHOGA COUNTY 2022-2027 ALL-HAZARDS MITIGATION PLAN.

Councilmember Havelka moved, seconded by Councilmember Van Dyke, that Resolution No. 2022-105 be adopted.

ROLL CALL ON ADOPTION:

Yeas: O'Donnell, Havelka, Getsay, Greenspan, Van Dyke.

Nays: None; Resolution No. 2022-105 adopted.

ORDINANCE NO. 2022-106: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LPA AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AS TO THE MUNICIPAL BRIDGE INSPECTION PROJECT, AND DECLARING AN EMERGENCY.

Councilmember Van Dyke moved, seconded by Councilmember Havelka, that Ordinance No. 2022-106 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Havelka, Getsay, Greenspan, Van Dyke, O'Donnell.

Nays: None; Ordinance No. 2022-106 adopted.

FIRST READING:

ORDINANCE NO. 2022-102: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2022-107: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEED FOR THE SALE OF LAND LOCATED IN THE CITY'S LAND BANK, AND DECLARING AN EMERGENCY.

**ADJOURNMENT:**

Councilmember O'Donnell moved, seconded by Councilmember Havelka, that the meeting adjourn.

Yeas: All.

Nays: None; motion carried.

President of Council Greenspan declared the meeting adjourned at 8:57 p.m.



Denise L. Rosenbaum, MMC  
Clerk of Council



David S. Greenspan  
President of Council